

Hearing Date: April 14, 2023
Hearing Time: 10:30 a.m.

Evan M. Newman
Nathan Cohen
JACOBOWITZ NEWMAN TVERSKY LLP
Attorneys for Haim Kahan
377 Pearsall Ave, Suite C
Cedarhurst, New York 11516

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

-----X

In re

Chapter 11

960 FRANKLIN OWNER LLC,

Case No. 22-42760 (JMM)

Debtor.

-----X

DECLARATION OF NATHAN COHEN

Nathan Cohen declares the following to be true under penalty of perjury, pursuant to 28 U.S.C. § 1746:

1. I am an attorney admitted to the practice of law before this Court. I am Counsel with the law firm of Jacobowitz Newman Tversky LLP, counsel for Haim Kahan (“Kahan”). I submit this Declaration in support of Kahan’s Reservation of Rights and Objection to Approval of the Joint Disclosure Statement and Joint Plan of Reorganization proposed by Debtor, Daryl Hagler and 960 Franklin LLC (“960 Franklin” and, together with Hagler, the “Hagler Parties”).

2. Annexed hereto as Exhibit 1 is a true and correct copy of Haim Kahan’s Summons and Complaint against 960 Franklin in *Haim Kahan v. 960 Franklin LLC*, Index No. 536153/2022. Kahan’s lawsuit (the “Property Lawsuit”) is presently pending in the Supreme Court of the State of New York, County of Kings.

3. Annexed hereto as Exhibit 2 is a true and correct copy of the Notice of Pendency

that Kahan filed together with his Property Lawsuit, to provide notice of the Property Lawsuit and Kahan's request therein for, *inter alia*, an equitable lien and constructive trust against the Property (the "Notice of Pendency").

4. Shortly after the filing of the Disclosure Statement and Joint Plan, I reached out to Debtor's counsel Mark Frankel, Esq. and the Hagler Parties' counsel Fred B. Ringel, Esq. to inquire about the Joint Plan's failure to account for Kahan's pending Property Lawsuit and Notice of Pendency. Mr. Frankel advised that any questions regarding the Joint Plan should be directed to Mr. Ringel. However, Mr. Ringel did not return any of my calls.

I declare under penalty of perjury under the laws of the United States of America and the State of New York that the foregoing is true and correct based upon personal knowledge and information and belief, and that this Declaration was executed in Cedarhurst, New York on April 10, 2023.

/s/ Nathan Cohen
Nathan Cohen